

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**

Bel Air, Maryland 21014

**RECEIVED**

APR 29 2005

**HARFORD COUNTY COUNCIL**

Case No. 5493  
Date Filed 04/22/05  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450

*Shaded Areas for Office Use Only*

**Type of Application**

- ☐ Administrative Decision/Interpretation
- ☐ Special Exception
- ☐ Use Variance
- ☐ Change/Extension of Non-Conforming Use
- ☐ Minor Area Variance
- ☐ Area Variance
- ☐ Variance from Requirements of the Code
- ☐ Zoning Map/Drafting Correction

**Nature of Request and Section(s) of Code** \_\_\_\_\_

CASE 5493 MAP 49 TYPE Variance

ELECTION DISTRICT 03 LOCATION 737 High Plains Dr., Bel Air

BY DeLynn and Sumie Linnett

Appealed because a variance pursuant to Sec. 267-36B, Table V of the Harford County

Code to permit an addition to encroach the 10' side yard setback (8' setback proposed) in  
the R2/COS District requires approval by the Board.

*NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.*

**Owner (please print or type)**

Name DeLynn LINNETT Phone Number (410) 638-0054  
Address 737 High PLAIN Drive Bel Air MD 21014-5248  
*Street Number Street City State Zip Code*

Co-Applicant Sumie LINNETT Phone Number (410) 638-0054  
Address 737 High PLAIN Drive Bel Air MD 21014-5248  
*Street Number Street City State Zip Code*

Contract Purchaser \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

Attorney/Representative \_\_\_\_\_ Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
*Street Number Street City State Zip Code*

## Land Description

Address and Location of Property 737 High PLAIN Drive, Bel Air, MD 21014-5248

Subdivision FAIRWIND FARMS Lot Number 10F

Acreage/Lot Size 78888/122 Election District 03 Zoning R2/COS

Tax Map No. 0049 Grid No. 4A Parcel 844 Water/Sewer: Private \_\_\_\_\_ Public X

List ALL structures on property and current use: House - Living QUARTERS, Shed - TOOL STORAGE,  
Deck - Deck

Estimated time required to present case: \_\_\_\_\_

If this Appeal is in reference to a Building Permit, state number 2005074B0290

Would approval of this petition violate the covenants and restrictions for your property? \_\_\_\_\_

Is this property located within the County's Chesapeake Bay Critical Area? Yes \_\_\_\_\_ No X

If so, what is the Critical Area Land Use designations: \_\_\_\_\_

Is this request the result of a zoning enforcement investigation? Yes \_\_\_\_\_ No \_\_\_\_\_

Is this request within one (1) mile of any incorporated town limits? Yes \_\_\_\_\_ No \_\_\_\_\_

## Request

VARIANCE FROM A 10 foot side setback TO AN eight foot  
side setback

## Justification

AT the time of CONSTRUCTION of my home, I ASKED the builder TO place the house such  
THAT A TWO CAR GARAGE COULD be Added LATER. The builder PUT the house with  
14 feet ON one side AND 18 feet ON the other. 18 feet IS NOT enough Room for  
A TWO CAR GARAGE. FURTHER, the MAJORITY of my style of house in the development  
HAVE TWO CAR GARAGES, including the house NEXT TO mine AND the one  
(135)

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

## Justification (cont.)

directly across the street (742). Lastly, there is 53 feet between my existing house (737) and the house (739) on the side where the garage is to be built. If the variance is granted there will still be 33 feet between the houses. Also, my house is 3-4 feet higher (ground level) than the house next door. I will do landscaping next to the garage to make this height difference more attractive too.

HIGH PLAIN DRIVE

DEEP RIDGE ROAD

54°40'25"W

603°19'35"E  
21.21'

58.24'

54°40'25"W 78.00'

Conc. Drive

COP. Rd.

B.G. IE Trunk

Conc. Walk

MIN. BLDG. SETBACK LINE

Conc. Porch

14.9'

Garage

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

20'

10F

9F

5' DR. & UTIL. EASEMENT

N 48°19'35"W 108.00'

N 48°19'35"W 136.10'

S 82°12'32"W 43.24'

54°40'25"W

This drawing is an accurate depiction of the existing and proposed improvements on the property

*Debra Linnett*  
Applicant or Owner



THIS IS TO CERTIFY THAT WE HAVE MADE A LOCATION SURVEY OF THE IMPROVEMENTS, AND THAT THEY ARE LOCATED ON THE LOT AS SHOWN HEREON.

GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

*Wilson F. Oster*

REG. NO. 2493

Being Known & Designated As Lot 10F, Block F, As Shown on Revised Plat Part of "Section One" Fairwind Farms, Recorded in Plat Book, H.D.C. 47-115.

#737 HIGH PLAIN DRIVE  
FAIRWIND FARMS, LOT 10F, BLOCK F

HARFORD CO., MD. ELECT. DIST. NO. 3

SCALE 1"=30' DATE 1-10-84

**JAMES M. HARKINS**

HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**

DIRECTOR OF ADMINISTRATION



**J. STEVEN KAI-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

June 9, 2005

#### STAFF REPORT

#### BOARD OF APPEALS CASE NO. 5493

APPLICANT/OWNER: Delynn Linnett

737 High Plain Drive, Bel Air, Maryland 21014-5248

Co-APPLICANT: Sumie Linnett

737 High Plain Drive, Bel Air, Maryland 21014-5248

REPRESENTATIVE: Applicant

LOCATION: 737 High Plain Drive – Fairwind Farms

Tax Map: 49 / Grid: 4A / Parcel: 844 / Lot: 10F

Election District: Third (3)

ACREAGE: 10548 square feet  
0.242 of an acre

ZONING: R2/Urban Residential District/Conventional with Open Space  
(R2/URD/COS)

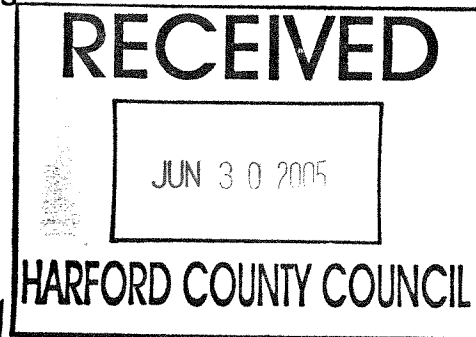
DATE FILED: April 22, 2005

HEARING DATE: July 27, 2005

#### APPLICANT'S REQUEST and JUSTIFICATION:

##### Request:

“Variance from a ten (10) foot side setback to an eight (8) foot side setback.”



*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

Board of Appeals Case Number 5493

DeLynn and Sumie Linnett

Page 2 of 4

### Justification:

“At the time of construction of my home, I asked the builder to place the house such that a two car garage could be added later. The builder put the house with 14 feet on one side and 18 feet on the other. 18 feet is not enough room for a two car garage. Further, the majority of my style of house in the development have two car garages, including the house next (735) to mine and the one directly across the street (742). Lastly, there is 53 feet between my existing house (737) and the house (739) on the side where the garage is to be built. If the variance is granted there will still be 33 feet between the houses. Also, my house is 3-4 feet higher (ground level) than the house next door. I will do landscaping next to the garage to make this height difference more attractive too.”

### **CODE REQUIREMENTS:**

The Applicants are seeking a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit an addition to encroach the ten (10) foot side yard setback (eight (8) feet proposed) in the R2/Urban Residential District/Conventional with Open Space (R2/ COS).

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The subject property is located southwest of the Town Limits of Bel Air and situated off of the west side of Tollgate Road. The property is part of the development of Fairwind Farms. The lot is located on the south side of High Plain Drive, one lot to the north of Deep Ridge Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designation is Low Intensity. The subject property is designated as Low Intensity, which is defined by the 2004 Master Plan as:

**Low Intensity** – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

## STAFF REPORT

Board of Appeals Case Number 5493

DeLynn and Sumie Linnett

Page 3 of 4

### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 2004 Master Plan. Residential uses are primarily single family dwellings. Upper Chesapeake Hospital is located to the east. The Fairwind Farms development was recorded in the early 1980s (Attachment 6). There are commercial uses located in the Town of Bel Air and along US Route 1. The topography of the area is considered rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the Topography map, along with an aerial photograph of the general area (Attachments 7 and 8).

The topography of the lot is gently sloping to rolling. The lot adjoining to the right sits lower than the subject lot as do the lots to the rear. The improvements consist of a brick and frame single family 2-story dwelling, a concrete parking pad for 2-cars, and a shed located in the left rear corner of the lot. The property is nicely landscaped with mature shrubbery and trees. There is a row of trees creating a dense screening across the rear of the property. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning in the area is primarily R1 and R2/Urban Residential Districts with small areas of R4/Urban Residential Districts. Commercial zoning includes RO/Residential Office and B3/General Business District. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 11).

### **SUMMARY:**

The Applicants are seeking a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit an addition to encroach the ten (10) foot side yard setback (eight (8) feet proposed) in the R2/Urban Residential District/Conventional with Open Space (R2/COS).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. Given the change in elevation between the lots, the two foot encroachment will not be noticeable. Additional landscaping along the property line can be provided to help screen the proposed garage. The proposed garage will be similar to other garages in the neighborhood. Even with the reduced setback there will still be

STAFF REPORT

Board of Appeals Case Number 5493

DeLynn and Sumie Linnett

Page 4 of 4

33-feet between the subject dwelling and the neighboring home. The proposed variance should have no adverse impacts on the neighborhood or on the intent of the Code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections.
2. The garage shall be used for the personal use of the Applicants
3. The garage shall not be used for the storage of commercial vehicle or contractor's equipment.
4. The garage shall not be used for the furtherance of any business.
5. The applicants shall submit a landscaping plan to the Department of Planning and Zoning for review and approval.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf



**JAMES M. HARKINS**

HARFORD COUNTY EXECUTIVE

**JOHN J. O'NEILL, JR.**

DIRECTOR OF ADMINISTRATION



**J. STEVEN KAI-ZIEGLER**  
DIRECTOR OF PLANNING & ZONING

## HARFORD COUNTY GOVERNMENT

### Department of Planning and Zoning

June 9, 2005

#### STAFF REPORT

#### BOARD OF APPEALS CASE NO. 5493

APPLICANT/OWNER: Delynn Linnett

737 High Plain Drive, Bel Air, Maryland 21014-5248

Co-APPLICANT: Sumie Linnett

737 High Plain Drive, Bel Air, Maryland 21014-5248

REPRESENTATIVE: Applicant

LOCATION: 737 High Plain Drive – Fairwind Farms

Tax Map: 49 / Grid: 4A / Parcel: 844 / Lot: 10F

Election District: Third (3)

ACREAGE: 10548 square feet  
0.242 of an acre

ZONING: R2/Urban Residential District/Conventional with Open Space  
(R2/URD/COS)

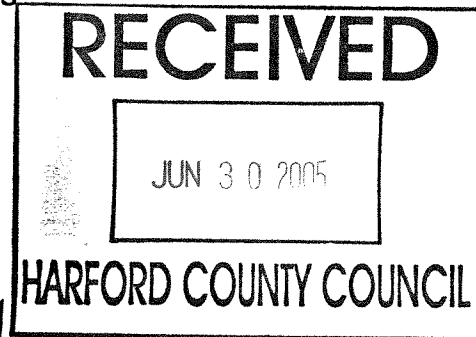
DATE FILED: April 22, 2005

HEARING DATE: July 27, 2005

#### APPLICANT'S REQUEST and JUSTIFICATION:

##### Request:

“Variance from a ten (10) foot side setback to an eight (8) foot side setback.”



*Preserving our values, protecting our future*

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • [www.co.ha.md.us](http://www.co.ha.md.us)

*This document is available in alternative format upon request.*

## STAFF REPORT

Board of Appeals Case Number 5493

DeLynn and Sumie Linnett

Page 2 of 4

### Justification:

“At the time of construction of my home, I asked the builder to place the house such that a two car garage could be added later. The builder put the house with 14 feet on one side and 18 feet on the other. 18 feet is not enough room for a two car garage. Further, the majority of my style of house in the development have two car garages, including the house next (735) to mine and the one directly across the street (742). Lastly, there is 53 feet between my existing house (737) and the house (739) on the side where the garage is to be built. If the variance is granted there will still be 33 feet between the houses. Also, my house is 3-4 feet higher (ground level) than the house next door. I will do landscaping next to the garage to make this height difference more attractive too.”

### **CODE REQUIREMENTS:**

The Applicants are seeking a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit an addition to encroach the ten (10) foot side yard setback (eight (8) feet proposed) in the R2/Urban Residential District/Conventional with Open Space (R2/ COS).

Enclosed with the report is a copy of Section 267-36B, Table V of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The subject property is located southwest of the Town Limits of Bel Air and situated off of the west side of Tollgate Road. The property is part of the development of Fairwind Farms. The lot is located on the south side of High Plain Drive, one lot to the north of Deep Ridge Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located within the Development Envelope. The predominant land use designation is Low Intensity. The subject property is designated as Low Intensity, which is defined by the 2004 Master Plan as:

**Low Intensity** – Areas within the Development Envelope where residential development is the primary land use. Density ranges from 1.0 to 3.5 dwelling units per acre. Neighborhood commercial uses such as convenience stores, doctors' offices, and banks are example of some of the nonresidential uses associated with this designation.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

## STAFF REPORT

Board of Appeals Case Number 5493

DeLynn and Sumie Linnett

Page 3 of 4

### Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 2004 Master Plan. Residential uses are primarily single family dwellings. Upper Chesapeake Hospital is located to the east. The Fairwind Farms development was recorded in the early 1980s (Attachment 6). There are commercial uses located in the Town of Bel Air and along US Route 1. The topography of the area is considered rolling to steep especially near the stream valleys. Enclosed with the report is a copy of the Topography map, along with an aerial photograph of the general area (Attachments 7 and 8).

The topography of the lot is gently sloping to rolling. The lot adjoining to the right sits lower than the subject lot as do the lots to the rear. The improvements consist of a brick and frame single family 2-story dwelling, a concrete parking pad for 2-cars, and a shed located in the left rear corner of the lot. The property is nicely landscaped with mature shrubbery and trees. There is a row of trees creating a dense screening across the rear of the property. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 9 and 10).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. Residential zoning in the area is primarily R1 and R2/Urban Residential Districts with small areas of R4/Urban Residential Districts. Commercial zoning includes RO/Residential Office and B3/General Business District. The subject property is zoned R2/Urban Residential District as shown on the enclosed copy of the Zoning Map (Attachment 11).

### **SUMMARY:**

The Applicants are seeking a variance pursuant to Section 267-36B, Table V of the Harford County Code to permit an addition to encroach the ten (10) foot side yard setback (eight (8) feet proposed) in the R2/Urban Residential District/Conventional with Open Space (R2/COS).

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. Given the change in elevation between the lots, the two foot encroachment will not be noticeable. Additional landscaping along the property line can be provided to help screen the proposed garage. The proposed garage will be similar to other garages in the neighborhood. Even with the reduced setback there will still be

STAFF REPORT

Board of Appeals Case Number 5493

DeLynn and Sumie Linnett

Page 4 of 4

33-feet between the subject dwelling and the neighboring home. The proposed variance should have no adverse impacts on the neighborhood or on the intent of the Code.

**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits and inspections.
2. The garage shall be used for the personal use of the Applicants
3. The garage shall not be used for the storage of commercial vehicle or contractor's equipment.
4. The garage shall not be used for the furtherance of any business.
5. The applicants shall submit a landscaping plan to the Department of Planning and Zoning for review and approval.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, AICP  
Deputy Director, Planning and Zoning

DJS/ASM/jf